IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPEAL NO. 122 OF 1992

State of Maharashtra .. Appellant

versus

Rajaram Babaji Ambhokar .. Respondent

...

Mr.D.P. Adsule, APP for the State.

Mr.I.J. Mansharamani for the respondent.

CORAM : V.M. KANADE, J

DATED : 13th December 2004.

P.C:-

1. Heard the learned APP appearing on behalf of the State and the learned counsel appearing on behalf of the respondent.

2. The State has filed this appeal challenging the judgement and order passed by the Metropolitan Magistrate, 35th Court, V.T. Bombay in Criminal case no.57/S/81. By the said judgement and order, the learned Magistrate acquitted the accused of the

offences punishable u/s.3(a) of the RP(UP) Act 1966.

3. The prosecution case is that on 23rd May 1980, the accused was apprehended and he was found to be in possession of four litres of white oil paint which according to the prosecution was railway property. The defence of the accused was of total denial and his case was that his brother had purchased white oil paint from the market and while he was carrying the said tin to his house, he was apprehended by the railway police. The accused has produced the receipt at Exhibit-M in order to prove that his brother had purchased the paint from the market. PW no.5 has admitted that the oil paint was purchased from his shop which fact is corroborated by PW no.4.

4. In my view, the trial Court has correctly acquitted the accused and there is no reason to interfere with the said order.

5. Appeal is dismissed.

V.M.KANADE, J